

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

LAMAR LENOIR, : Case No. 3:09-cv-286  
Petitioner, : District Judge Walter H. Rice  
 : Magistrate Judge Michael J. Newman  
-vs-  
WARDEN, SOUTHERN OHIO :  
CORRECTIONAL FACILITY, :  
Respondent. :

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**DECISION AND ENTRY ADOPTING REPORT AND RECOMMENDATION (DOC. #98)  
IN ITS ENTIRETY; PETITIONER'S OBJECTIONS TO SAID JUDICIAL FILING  
(DOCS. #101) OVERRULED; DENYING PETITIONER'S MOTION FOR LEAVE TO  
PROCEED *IN FORMA PAUPERIS* ON HIS APPEAL OF THE COURT'S DENIAL OF  
HIS FED. R. CIV. P. 60(b) MOTION FOR RELIEF FROM JUDGMENT (DOC. #95)**

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Based upon the reasoning and citations of authority set forth by the United States Magistrate Judge, in his Report and Recommendation filed November 21, 2012 (Doc. #98), as well as upon a thorough *de novo* review of this Court's file and the applicable law, this Court adopts the aforesaid Report and Recommendation in its entirety, and overrules Petitioner's Objections (Doc. #101) thereto.

Petitioner's motion for leave to proceed *in forma pauperis* on his appeal of the Court's denial of his Fed. R. Civ. P. 60(b) motion for relief from judgment (Doc. #95) is denied. The captioned case is hereby ordered to remain terminated.

December 19, 2012.



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WALTER HERBERT RICE, JUDGE  
UNITED STATES DISTRICT COURT